

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Richard KENNEDY	§	Confirmation No.:	1325
Serial No.:	10/080,999	§	Group Art Unit:	2685
Filed:	02/20/2002	§	Examiner:	B. J. Jackson
For:	Remote Storage For Electronics	§	Docket No.:	200302244-1
		§		
		§		
		§		

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: May 24, 2007

Sir:

In response to the Examiner's Answer dated March 26, 2007, Appellant submits this Reply Brief.

I. RESPONSE TO ARGUMENTS OF THE EXAMINER'S ANSWER

In the Response to Arguments section of the Examiner's Answer, the Answer states:

[T]he primary art Fukuoka teaches ... two different transmission routes, the first through a wired connection to a cellular telephone ... and the second route via wired network **or other wireless communication** to a local area network...¹

Appellant respectfully traverses. In each of the Fukuoka embodiments, the connection between the camera 30 and the computer 33 and/or telephone 32 is by way of a hardwired connection.² Thus, contrary to the assertion of the Answer,

¹ Examiner's Answer Page 10, line 16 through Page 11, line 5 (citing Fukuoka Col. 3, lines 26 through Col. 4, line 34) (emphasis added).

² See, e.g., Fukuoka Col. 3, lines 33-36 ("Further, the I/O card 15 may be connected through a line 24 to a telephone 32..."); Col. 3, lines 45-48 ("As an alternative to having the I/O card 15 function as a modem, the I/O card 15 may function as an RS-232 interface connected to a separate modem."); Col. 3, lines 51-53 ("In this case, the I/O card 15 will function as a serial communication connector card such as an RS-232 communication interface.").

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Fukuoka teaches only a hardwired connection between the camera 30 and any downstream device.

With regard to the secondary reference Harris, the Answer further alleges that:

Harris [teaches] a similar system to transfer image data but with the specific feature of the wireless transfer of the image data between the camera/PDA and cellular telephone or "intermediate device."³

Again, Appellant respectfully traverses. Harris appears to teach the wireless transfer of dialing information.⁴ Harris also appears to teach that the PDA can be coupled to a camera such that a picture can be associated with contact information;⁵ however, Harris does not teach, suggest or even imply transfer of the picture from the PDA to other devices. In fact, since Harris is directed to transferring dialing information to downstream devices, Appellant can envision no reason to transfer the pictures beyond the PDA.

The Answer goes further to incorrectly state that Appellant "primarily" argues a lack of motivation to combine.⁶ Rather, Appellant primarily argues that even if Fukuoka and Harris are properly considered together (which is not admitted), the actual teachings of Fukuoka and Harris fail to teach, suggest or even imply, for example, "wherein said transceiver [of the portable electronic device] wirelessly transmits **said image** to a remote storage device **through an intermediate electronic device...**"⁷

With regard to changing the principle of operation of Fukuoka, the Answer takes the position that the CPU of the camera knows when memory is full, and that "the memory full is an obvious trigger to the system for automatic

³ Answer Page 11, lines 9-11.

⁴ Harris Col. 1, lines 52-57.

⁵ Harris Col. 3, lines 9-17.

⁶ Answer Page 11, lines 12-14.

⁷ Claim 1.

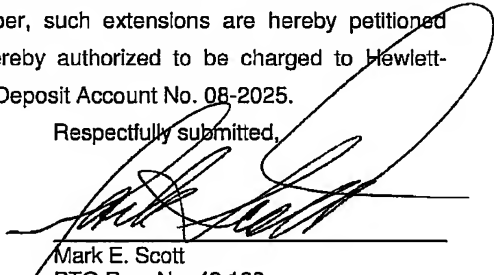
transmission of the image data...⁸ However, in Fukuoka, the camera 30 is controlled by the peripheral devices.⁹ Thus, the CPU of Fukuoka knowing the state of the memory does not translate into downloading, as the command to download comes from the peripheral device. Thus, neither Fukuoka nor Harris teach or suggest "wherein said transceiver [of the portable electronic device] begins transmitting said images when said CPU determines said memory to have reached a threshold."¹⁰

Based on the foregoing, it is respectfully requested that the rejections be withdrawn, and the case set for issue.

II. CONCLUSION

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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⁸ Answer Page 12, lines 13-15.

⁹ Fukuoka Abstract.

¹⁰ Claim 5.